

THE CITY OF EDINBURGH LICENCING BOARD

EQUALITY & RIGHTS POLICY

EQUALITY ACT 2010 (SPECIFIC DUTIES) (SCOTLAND) REGULATIONS 2012

Putting equality & rights at the heart of everything we do

October 2014

FOREWORD BY CONVENER – COUNCILLOR ERIC MILLIGAN

In 2013 The City of Edinburgh Licensing Board set out the policy that will guide the Edinburgh Licensing Board for the period 2013 to 2016.

The goal of achieving a finer fairer city is the aim of the policy and I am now pleased to present to you an underpinning policy to support this aim - the City of Edinburgh Licensing Board's first Equality & Rights Policy.

This policy commits the Board to embedding equality & rights into every part of the licensing process and in recognition of our commitment to collaborative working it pleases me to report that the equality and rights outcomes detailed later in this policy were not developed in isolation. We developed these by reviewing the views expressed during the development of the Licensing Policy and the findings of the extensive consultation undertaken by the City of Edinburgh Council during the development of the framework to advance equality & rights across the city.

In all that we do and in all decisions that we make, our aim will be to evidence our due regard to the duties placed on us by the Equality Act 2010 and report our progress in achieving these outcomes.

Councillor Eric Milligan
Convener of Licensing Board

1. Introduction

- 1.1 This Policy sets out the commitment of the City of Edinburgh Licensing Board (the Board) to meeting its responsibilities in terms of Section 149 of the Equality Act 2010.
- 1.2 The Policy sets out our equality outcomes and the outputs against which we can measure progress to achieving these.
- 1.3 Although the Board has separate legal status from the City of Edinburgh Council (the Council) the Board is resourced entirely by the Council and the policy reflects this arrangement.
- 1.4 The close connections between the Board and the Council affords the Board the opportunity to benefit directly from the City of Edinburgh Council's Fairness & Respect Action Plan which is the framework to advance equality & rights in and across the City of Edinburgh.
- 1.5 The Boards Equality & Rights Policy was approved by the Board on XXXXX

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2 Legal Context

- 2.1 As a public authority a new duty was placed on the Board. The general duty by Section 149 of the Equality Act 2010 and Scottish specific duties which were imposed by secondary legislation which came into force in September 2011
- 2.2 The Board must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation or any other conduct that is prohibited under this Act
 - Advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it by tackling prejudice and promoting understanding
- 2.3 Protected Characteristics as defined by the Act are:
- Age
 - Disability (physical, leaning & mental health)
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion and belief (including non belief)
 - Sex (gender)
 - Sexual Orientation
 - Marriage and civil partnership (only in terms of duty to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act)
- 2.4 The Scottish specific public sector equality duties provide the Board with the framework with which to evidence due regard to and compliance with the general duty. The Board therefore has a duty to:
- Report progress on mainstreaming the equality duty
 - Publish equality outcomes and report on progress
 - Assess and review policies and practices
 - Gather and use employee information
 - Publish gender pay gap information
 - Publish statements on equal pay etc
 - Consider aware criteria and conditions in relation to public procurement
 - Publish in a manner that is accessible etc

3 The City of Edinburgh Licensing Board

- 3.1 Edinburgh, Scotland's inspiring capital is dramatic and historic. The environment of the area has provided the basis for a successful tourist industry which brings cultural benefits to the city and is a vital part of its economy.
- 3.2 The population of the city of Edinburgh was estimated in mid 2012 as 495,360.
- 3.3 The city boundaries cover 264 square kilometres and the local government area is split into 17 wards, with 7 of the wards returning 4 councillors and 10 wards having 3 each. The number of councillors overall is 58. Ten councillors sit as members of the Licensing Board.
- 3.4 In addition to the duty prescribed in the Equality Act 2010 the Board has objectives laid down in statute specifically related to licensing functions. These can be found in the:
- The Licensing (Scotland) Act 2005
 - The Gambling Act 2005

The objectives laid out in the Licensing (Scotland) Act 2005 are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

The objectives laid out in the Gambling Act 2005 are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 3.5 The Board are supported by a number of City of Edinburgh Council employees including:
- Clerk
 - Deputy Clerk
 - Administrative Support
 - Licensing Standards Officers

The Board have established links with and strategic support with Sfc's Health Improvement and Diversity Manager. A result of this arrangement is that the Board are represented on the Council's Equality and Rights Lead Officer Group.

4 Equality & Rights Outcomes and Mainstreaming Action Plan

4.1 The Board is committed to embedding equality and rights at the heart of everything it does and agrees with the Council's proposals that work to advance equality & rights is necessary for three main reasons:

- Moral reasons

Central to the public sector ethos is the need to ensure that individuals and groups in society who are most vulnerable to poverty, inequality, disadvantage and discrimination are supported, are safe and are provided with opportunities to have their quality of life and human rights enhanced.

- Business reasons

Removing the barriers which prohibit people achieving their full potential results in less cost to individuals, families, communities and public sector organisations. In addition, the most successful and sustainable cities and organisations are those which are able to attract and harness the skills, experience and knowledge of diverse communities and diverse employee groups.

- Legal reasons

The Board is required to adhere to existing legal duties under rights based legislation and conventions, for example the Human Rights Act 1998, and comply with new legal duties described within the Equality Act 2010, specifically the revised public sector equality duty.

4.2 In adopting the key objectives of the Christie Commission's reform programme the Board's Equality Policy's will be delivered in the following way:

- People - improving the diversity, skills, experience and knowledge
- Performance - equality and rights outcomes and indicators,
- Prevention - impact assessment and the mainstreaming
- Partnerships - activity through joint approaches to evidence gathering and analysis, impact assessment, community involvement, procurement and outcome delivery

- 4.3 In addition to evidencing their due regard and stating how the actions of the Board advance one or more of the three elements of the general duty the Board will assess and document the impact in terms of enhancement or infringement of human rights. This will be achieved by using the Council's Equality and Rights Impact Assessment tool kit which is based on the Equality Measurement Framework (EMF).
- 4.2 It is important to note at the outset that the Equality Measurement Framework (EMF) is **not** a performance measurement framework. Rather it provides a baseline of evidence for evaluating progress and deciding priorities.
- 4.3 The EMF concept of inequality is based on the idea of 'substantive freedom' or equality in the central and valuable things in life that people can actually *do* and *be*, which can be thought of as having three aspects:
- inequality of outcomes;
 - inequality of process (unfair treatment, or being treated with dignity and respect);
 - inequality of autonomy (empowerment, or the degree of choice and control).
- 4.4 A list of central and valuable freedoms has been derived from the international human rights framework and consultation with the general public and 'at risk' groups and grouped into the following ten domains:
1. life
 2. health
 3. physical security
 4. legal security
 5. education and learning
 6. standard of living
 7. productive and valued activities
 8. individual, family and social life
 9. identity, expression and self-respect
 10. participation, influence and voice

5 Mainstreaming

5.1 The Board defines mainstreaming as:

“A long-term strategy to ensure that an equality and rights perspective (specifically the PSED) becomes an integral part of decision making and action across all areas of governance, management, policy making and service delivery.

5.2 Mainstreaming equality and rights is a valuable and effective strategy as it seeks to make explicit issues which have often remained at the margins of public policy. It is an approach that emphasises that equality and rights are central elements of all relevant Board activity, built in at the earliest opportunity and not bolted on as an afterthought.

5.3 Mainstreaming equality and rights also enables decisions about policies and services to be ‘right first time’ and thus unnecessary and often costly changes and remedies can be avoided.”

6 Equality outcomes

6.1 At the heart of this policy is a set of equality and rights outcomes (and indicators) which are linked to the Board’s Statement of Licensing Policy and the Edinburgh Single Outcome Agreement and the Edinburgh Partnership’s ‘Framework to Tackle Inequality and Poverty’.

In setting our equality outcomes we have worked closely with the City of Edinburgh Council.

We have taken into account:

The views expressed during the thorough consultations with partners and stakeholders as part of the Licensing Policy review. This included:

- Edinburgh Licensing Forum
- Edinburgh’s Licensed Trade
- Community based organisations & agencies representing local communities
- Police Scotland
- Children and Families Services
- Health and Social Care
- NHS Lothian Health Board

The qualitative and quantitative data gathered by the Council, its community planning partners and national organisations

6.2 The views of the Council's equality lead officers

The outcomes set have been based on the evidence gathered and are relevant to the aims and objective of the Board.

A set of actions, aligned to each outcome, are also included in outcomes action plan. See appendix 1.

7 Assess and review policies and practices

7.1 The Board has adopted the City of Edinburgh Council's Equality & Rights Impact Assessment (ERIA) process as a way of delivering a programme of ongoing ERAs of all relevant existing policies and services. The programme will also capture any proposed changes to policies or services. See appendix 2

7.2 This extensive programme will ensure that ERA is seen as a key Board responsibility, alongside service delivery and improvement, communications, budget monitoring and customer relations management.

7.3 In using the Council's proforma the Board will be able to document the evidence gathered and the consultation undertaken to influence and inform findings and recommendations. As a way of ensuring robust consultation the Board will use the Council's newly adopted consultation framework, consultation hub and the Lothian Equalities Network. See appendix 3

The Board believes that the ERA programme will lead to the following benefits:

- Compliance with legal and other requirements
- Unlawful policy and practice is eliminated
- Policies and services are better able to deliver equality and rights outcomes
- The views of a wider range of people, stakeholders, partners and community groups inform policy and service development
- Services are more accessible to equality groups
- Actions are taken to mitigate negative impacts and enhance the positive impacts of policy and service review

7.4 The results of ERA will inform decisions taken by the Board. In this regard reference will be made to the key results of the ERA within all relevant Board reports. In addition to these reports, it may also be necessary to provide further information about ERA analysis and recommendations to Board members to assist them in their decision making. This will be the responsibility of the officer coordinating the ERA. The results of ERA will also be published within appropriate timescales on the Council's website.

8 Gather and use employee information, Publish gender pay gap information & Publish statements on equal pay etc

- 8.1 In terms of specific public sector equality duties the Board will use the information collated by the Council's Employee Relations Team when submitting its biennial report to the Equality Regulator.

9 Monitoring, Reporting and Review

- 9.1 Equality & Rights Outcomes and Mainstreaming Action Plan will be reviewed quarterly by the Board. It will be the responsibility of The Clerk to the Board to coordinate the update regarding the implementation of the action plan.
- 9.2 The Board will publish a biennial 'Equality and Rights Progress Report' in line with the Equality Act 2010 legislative requirements.
- 9.3 This report will describe the progress achieved as a result of the implementation and delivery of all elements of the policy, with a specific focus on outcome delivery.
- 9.4 Interim reviews of the framework may take place at anytime during the lifetime of the policy. Approval for any consequent changes will be requested from the Board.
- 9.5 A full review of the policy took place in October 2014 therefore it is proposed that a further review of the policy will take place during 2016, with a view to publishing a new policy in the spring of 2017.

10 Publish in a manner that is accessible etc

- 10.1 This policy will be publicly available and accessible on the Council's website at xxxxxx
- 10.2 It will be available in printed and alternative formats, on demand, by contacting the Clerk to the Board or making a request to the Licensing Service.
- 10.3 The policy will be circulated to all members and officers of the Board and to the Licensing Forum and to the relevant equality lead officers.
- 10.4 Equality & Rights Impact Assessments (ERIA) will be available on the Council's website at xxxxx
- 10.5 ERIA will be available in printed and alternative formats on demand by contacting the Clerk to the Board or making a request to the Licensing Service

- 10.6 The bi annual report will be published no later than April commencing 2015 and will be available on the Council's website at xxxxx
- 10.7 The report will also be available in printed and alternative formats on demand by contacting the Clerk to the Board or making a request to the Licensing Service
- 10.8 The bi annual report will be prepared by the Clerk and will evidence the Boards achievements in relation to its duties as detailed in the Equality Act 2010 and the secondary legislation detailing the specific public sector equality duties.

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